

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 09-0624

ORIGINAL

WILLIAM RONALD HENDERSON,

Petitioner and Appellant,

v.

STATE OF MONTANA,

Respondent and Appellee.

FILED

JUL 26 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

MOTION TO WITHDRAW AS COUNSEL OF RECORD

COMES NOW, Koan Mercer, counsel of record for Petitioner and Appellant, and respectfully requests an order from this Court allowing him to withdraw as counsel of record in the above entitled matter. Counsel has determined that an appeal would be frivolous or wholly without merit after reviewing the entire record and researching applicable statutes, case law, and rules. The Petitioner/Appellant has been advised of counsel's decision and of his right to file a response to this motion. Counsel will send the file and transcripts in the matter to the Defendant/Appellant at his written request so that he can file an appropriate response to this motion.

A brief in support of this motion has been filed simultaneously with this motion.

Opposing counsel has been contacted regarding this motion and does not object.

Respectfully submitted this 26th day of July, 2010.

OFFICE OF THE STATE PUBLIC DEFENDER
Appellate Defender Office
139 N. Last Chance Gulch
P.O. Box 200145
Helena, MT 59620-0145

By: Koan Mercer
KOAN MERCER
Assistant Appellate Defender

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing
Motion to Withdraw as Counsel of Record to be mailed to:

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Montana Attorney General
MARK MATTIOLI
Assistant Attorney General
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Helena, MT 59620-1401

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Stafford Creek Corrections Center
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Aberdeen, WA 98520

DATED: _____

July 26, 2010 